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Special economic, humanitarian and disaster relief assistance

Draft resolution submitted by the Vice-President of the Council, Mr. Daw Penjo (Bhutan), on the basis of informal consultations

Strengthening of the coordination of emergency humanitarian assistance of the United Nations

The Economic and Social Council,

Reaffirming General Assembly resolution 46/182 of 19 December 1991, recalling that humanitarian assistance should be provided in accordance with and with due respect for the guiding principles contained in the annex to that resolution, and recalling also other relevant resolutions of the Assembly and resolutions and agreed conclusions of the Economic and Social Council,

Recalling its resolution 2003/5 of 15 July 2003 and General Assembly resolution 58/114 of 17 December 2003,

Welcoming the fact that at the humanitarian affairs segment of 2004 the Council considered the theme "Strengthening of the coordination of humanitarian assistance of the United Nations: present and future challenges" and that the Economic and Social Council held two panels, on "Strengthening preparedness and response to natural disasters, with an emphasis on capacity-building" and "Field-level coordination for the purpose of continuing the presence and operation of United Nations humanitarian assistance missions in higher-risk environments",

Recognizing that the affected State has the primary role in the initiation, organization, coordination and implementation of humanitarian assistance within its territory and in the facilitation of the work of humanitarian organizations,

Emphasizing the importance of continued international cooperation in support of the efforts of affected States in dealing with natural disasters and complex emergencies in all their phases, and recognizing that the magnitude and duration of many emergencies may be beyond the response capacity of many affected countries,

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Reaffirming that humanitarian assistance is of cardinal importance for the victims of natural disasters and other emergencies,

Reaffirming also the importance of the principles of neutrality, humanity and impartiality for the provision of humanitarian assistance,

Reaffirming further that independence, meaning the autonomy of humanitarian objectives from the political, economic, military or other objectives that any actor may hold with regard to areas where humanitarian action is being implemented, is also an important guiding principle for the provision of humanitarian assistance, and should be applied in full respect for and compliance with the international humanitarian law,

Welcoming positive developments towards the resolution of some long-standing complex emergencies while remaining deeply concerned about the outbreak of new complex emergencies and the protracted nature of other complex emergencies,

Taking note of the increase in the number and nature of organizations engaged in humanitarian action and mindful of the need to ensure that this multiplication of actors does not detract from the effectiveness of the humanitarian response and the neutrality and independence of humanitarian assistance,

Expressing profound regret and grave concern at the tragic loss of lives of humanitarian staff while providing humanitarian assistance and the increased insecurity encountered by humanitarian staff as well as the acts of violence committed against them, in particular deliberate attacks, and mindful of the need to provide the fullest possible protection for their security and, in this regard, bearing in mind General Assembly resolution 58/122 of 17 December 2003 and Security Council resolution 1502 (2003),

Gravely concerned that, in some of the world's current complex emergencies, access by humanitarian agencies to affected civilian populations remains limited, sporadic and sometimes restricted,

Bearing in mind the review of the Yokohama Strategy for a Safer World: Guidelines for Natural Disaster Prevention, Preparedness and Mitigation and its Plan of Action,[1]

Bearing in mind also that success in peace negotiation, among other processes, could lead to a significant increase in voluntary repatriation of refugees and in the possible reintegration of internally displaced persons, and expressing its belief that the United Nations system should give due consideration to these developments in the planning of its response,

Noting with grave concern the growing intensity and recurrence of natural disasters and reaffirming the importance of sustainable measures to reduce the vulnerability of societies to natural hazards using an integrated, multi-hazard and participatory approach to addressing vulnerability, risk assessment and disaster prevention, mitigation, preparedness, response and recovery,

[1] A/CONF.179/9, chap. I, resolution 1, annex I.

Noting the grave humanitarian and development implications of the HIV/AIDS pandemic and other widespread major infectious diseases prevalent in humanitarian contexts, such as malaria, tuberculosis and cholera, for the affected countries,

Gravely concerned that violence, including sexual abuse and sexual and other violence against women, girls and boys, continues to be, in many emergency situations, deliberately directed against civilian populations, and reiterating that acts of sexual violence in situations of armed conflict can constitute serious violations or grave breaches of international humanitarian law and constitute, in defined circumstances, a crime against humanity and/or a war crime, and recalling the relevant provisions of the Rome Statute of the International Criminal Court,[2]

Reiterating that humanitarian assistance should be provided in a way that is not to the detriment of resources made available for international cooperation for development,

1. *Takes note* of the report of the Secretary-General on strengthening the coordination of emergency humanitarian assistance of the United Nations;[3]

2. *Calls upon* all parties to armed conflicts to comply with their obligations under international humanitarian law, human rights law and refugee law;

3. *Reaffirms* the obligation of all States and parties to armed conflict to protect civilians in armed conflicts in accordance with international humanitarian law, and invites States to promote a culture of protection, taking into account the particular needs of women, children, older persons and persons with disabilities;

4. *Notes* that some of the issues impacting on the protection of civilians in armed conflict could also be effectively addressed at a regional level and welcomes in this context the fact that States and some regional organizations, within their mandates, have increasingly taken measures to address these and related protection concerns;

5. *Strongly encourages* the United Nations to address more systematically protection of civilians and other humanitarian issues with regional organizations, in accordance with their respective mandates, inter alia, through continued dialogue;

6. *Calls* for enhanced collaboration within the United Nations system and among different bodies of the United Nations, including the General Assembly and the Economic and Social Council, within their respective mandates, in the area of protection of civilians in armed conflict;

7. *Calls upon* States to comply fully with the provisions of international humanitarian law, in particular as provided in the Geneva Conventions, in order to protect and assist civilians in occupied territories;

8. *Urges* the international community and the relevant organizations of the United Nations system, in this regard, to strengthen humanitarian and other assistance to civilians under foreign occupation;

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[2] *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

[3] A/59/93-E/2004/74.

9. *Calls upon* all Governments and parties in complex humanitarian emergencies, in particular in armed conflicts and in post-conflict situations, in countries in which humanitarian personnel are operating, in conformity with the relevant provisions of international law and national laws, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the safe and unhindered access of humanitarian personnel, as well as supplies and equipment, in order to allow them to perform efficiently their task of assisting the affected civilian population, including refugees and internally displaced persons;

10. *Strongly urges* all States to take necessary measures to ensure the safety and security of humanitarian personnel and United Nations and associated personnel;

11. *Strongly urges also* States to ensure that those responsible for attacks against humanitarian personnel and United Nations and associated personnel are promptly brought to justice, as provided by national law and obligations under international law, and notes the need for States to end impunity for such acts;

12. *Notes* that an increasing number of States, United Nations organizations and regional and non-governmental organizations are making use of the Guiding Principles on Internal Displacement,[4] encourages the strengthening of legal frameworks for the protection of internally displaced persons, and urges the international community to strengthen its support to affected States in their efforts to provide, through national plans or initiatives, protection and assistance to their internally displaced persons;

13. *Mindful* of the ongoing efforts of the Secretary-General on measures to further improve the United Nations Security Management system, stresses the importance of continued collaboration among all parts of the United Nations system on staff safety and security issues;

14. *Encourages* United Nations organizations and other humanitarian actors to address security risks to humanitarian staff, inter alia, by promoting accountability at all levels and by promoting and enhancing collaborative actions, in accordance with the relevant provisions of international humanitarian law and national laws, where applicable;

15. *Stresses* the importance of ensuring that humanitarian personnel and United Nations and associated personnel remain sensitive to national and local customs and traditions in their countries of assignment, communicate better their purpose and objectives to local populations and observe and respect the laws of the country in which they are operating, in accordance with international law and the Charter of the United Nations;

16. *Takes note with appreciation* of the continued efforts of the Office for the Coordination of Humanitarian Affairs to strengthen the coordination of United Nations humanitarian assistance;

17. *Encourages* the Office for the Coordination of Humanitarian Affairs to continue engaging in dialogue with States on humanitarian assistance, inter alia, through the Economic and Social Council in order to enhance its coordinating role over all United Nations humanitarian activities with a view to enhancing

[4] E/CN.4/1998/53/Add.2, annex.

comprehensive intergovernmental support and guidance to the United Nations system;

18. *Supports* the efforts of the Office for the Coordination of Humanitarian Affairs to ensure that the design and implementation of United Nations integrated missions take into account the principles of neutrality, humanity and impartiality as well as independence of humanitarian objectives for the provision of humanitarian assistance;

19. *Encourages* the United Nations Secretariat, for strengthening coordination of humanitarian work and assistance, to engage in a dialogue with States and United Nations humanitarian entities to clarify the respective roles of and complementarity among relevant entities of the United Nations operating in the framework of United Nations multidimensional missions, invites the Secretariat to consult with relevant humanitarian organizations in this regard and requests the Secretary-General to report to the General Assembly through the Economic and Social Council thereon;

20. *Reaffirms* the leading role of civilian organizations in implementing humanitarian assistance, particularly in areas affected by conflicts, and also affirms the need, in situations where military capacity and assets are used to support the implementation of humanitarian assistance, for their use to be in conformity with international humanitarian law and humanitarian principles;

21. *Encourages* United Nations humanitarian organizations and other relevant United Nations entities to carry out jointly an in-depth examination of the extent to which current developments in international peace and security have impacted on the understanding and acceptance of the United Nations humanitarian organizations by local populations, as well as on the understanding and acceptance of other humanitarian organizations, and on the ability of humanitarian organizations to operate in the context of an international military presence, and to provide advice to these organizations on how they may better respond to these new developments;

22. *Bearing in mind* the 2003 "Guidelines on the Use of Military and Civil Defense Assets to Support United Nations Humanitarian Activities in Complex Emergencies"[5] and the 1994 "Guidelines on the Use of Military and Civil Defense Assets in Disaster Relief",[6] stresses the value of their use and of the development by the United Nations in consultation with States and other relevant actors of further guidance on civil-military relations in the context of humanitarian activities and transition situations;

23. *Encourages* the Office for the Coordination of Humanitarian Affairs in close collaboration with the United Nations Development Group Office to improve further the training and capacity of Humanitarian and Resident Coordinators so they can respond to the full range of humanitarian issues in a given context, including protection and assistance needs;

24. *Encourages* the channelling of increased resources for capacity-building activities in disaster-prone areas, particularly to address the dynamics and disproportionate risks that natural disasters pose in urban and rural environments;

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[5] Available from www.reliefweb.int/w/rwb.nsf.

[6] Department of Humanitarian Affairs, document DHA/94/95.

25. *Emphasizes* the importance of building effective and inclusive partnerships, inter alia, in risk planning, with populations that live in disaster-prone and disaster-affected areas;

26. *Recalls* General Assembly resolution 57/150 of 16 December 2002 on strengthening the effectiveness and coordination of international urban search and rescue assistance, and welcomes the work that is being undertaken to further strengthen the effectiveness and coordination of international urban search and rescue assistance;

27. *Invites* States, as appropriate, to give priority to and fully integrate disaster risk reductions strategies into all relevant legal, policy and planning instruments in order to address the social, economic and environmental dimensions that influence vulnerability to natural hazards, bearing in mind the United Nations International Strategy for Disaster Reduction;

28. *Recommends* that the General Assembly raise the maximum limit of an emergency cash grant to 100,000 United States dollars per country in the case of any one disaster, within the existing resources available from the regular budget;

29. *Strongly encourages* States, relevant agencies and institutions as well as major groups as identified in Agenda 21[7] to participate in the World Conference on Disaster Reduction, in accordance with the rules of procedures agreed upon by the Preparatory Committee for the Conference, and invites them to contribute inputs to the ongoing preparations for the Conference, to be held from 18 to 22 January 2005 in Kobe, Hyogo, Japan, and to ensure that the opportunity is used to reaffirm and strengthen disaster reduction policy and its implementation at all levels;

30. *Encourages* States that have not done so to consider ratifying or acceding to the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations, adopted at Tampere, Finland, on 18 June 1998;

31. *Emphasizes* the importance of integrating further HIV/AIDS responses in the planning, programming and implementation of humanitarian action by ensuring linkages between humanitarian, development and HIV/AIDS mechanisms and activities and by using the Inter-Agency Standing Committee Guidelines on HIV/AIDS Interventions in Emergency Settings and encourages the United Nations system to improve its guidance to ensure a comprehensive approach of prevention, care and treatment in the context of humanitarian action;

32. *Recognizes* the important role of humanitarian agencies in addressing other major infectious diseases, such as malaria, tuberculosis and cholera, in emergencies, and urges them to factor considerations pertaining to these major infectious diseases into their planning and coordination efforts, inter alia, in the areas of early warning and contingency planning;

33. *Stresses* the continued need and relevance of integrating, through implementation of all relevant resolutions, agreed conclusions, policies, commitments and guidelines on gender mainstreaming, a gender perspective in the planning, programming and implementation of humanitarian assistance activities,

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[7] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex II.

and calls upon the Inter-Agency Standing Committee to undertake a review of its 1999 policy statement on the integration of a gender perspective in humanitarian assistance;

34. *Strongly condemns* all violence committed in situations of humanitarian crises, especially against women, girls and boys, including sexual violence and abuse, and calls upon States to adopt preventive measures and effective responses to these acts as well as to ensure that those responsible for these acts are promptly brought to justice, as provided by national law and obligations under international law;

35. *Invites* the United Nations organizations to enhance geographical balance in terms of humanitarian personnel employed by them, in a manner consistent with paragraph 3 of Article 101 of the Charter of the United Nations;

36. *Encourages* humanitarian agencies to ensure, to the extent possible, the participation and perspective of all those affected by humanitarian situations, both at local and at national levels, in the design, implementation and evaluation of humanitarian assistance activities, while respecting the role of authorities of affected countries;

37. *Encourages* the United Nations system to continue to develop and implement internal tools and to take effective measures for the protection from sexual exploitation and sexual abuse and, in this respect, notes with interest the Bulletin of the Secretary-General on Special Measures for Protection from Sexual Exploitation and Sexual Abuse;[8]

38. *Encourages* Governments as well as international humanitarian organizations, as appropriate, to take further initiatives to prevent, address and follow up on allegations of sexual exploitation and abuse in humanitarian emergencies, and emphasizes that the highest standards of conduct and accountability are required of all personnel serving in humanitarian and peacekeeping operations;

39. *Encourages*, in this regard, the United Nations system and its Member States to urge international humanitarian organizations and implementing partners serving within the framework of United Nations humanitarian and other relevant operations to live up to the highest standards of conduct and accountability;

40. *Encourages* Member States with internally displaced persons to develop or strengthen, as appropriate, national laws, policies and minimum standards on internal displacement, inter alia, taking into account the Guiding Principles on Internal Displacement, and to continue to work with humanitarian agencies in endeavours to provide a more predictable response to the needs of internally displaced persons, and in this regard calls for international support, upon request, to capacity-building efforts of Governments;

41. *Calls upon* the relevant United Nations entities, under the coordination mandate of the Office for the Coordination of Humanitarian Affairs, to improve the development of common needs assessments and work towards more effective prioritization, including reviewing of the Consolidated Appeals Process Needs Assessment Framework and Matrix;

[8] ST/SGB/2003/13.

42. *Encourages* the donor community to provide humanitarian assistance in proportion to needs and on the basis of needs assessments, with a view to ensuring a more equitable distribution of humanitarian assistance across humanitarian emergencies, including those of a protracted nature, as well as fuller coverage of the needs of all sectors, and to this end requests the United Nations organizations, including, inter alia, through the United Nations country teams, to continue developing and applying transparent needs assessment mechanisms;

43. *Also encourages* the donor community to establish reliable, predictable and timely funding to meet humanitarian needs and to consider increasing the flexibility of funding and the share of non-earmarked contributions to United Nations organizations in response to humanitarian emergencies, inter alia, within the consolidated appeals, and notes with interest the progress being made by donors to improve their policies and practices of good donorship, inter alia, under the Good Humanitarian Donorship Initiative;

44. *Emphasizes* the need for a more inclusive dialogue with States on the complex issue of transition from relief to development and requests the Secretary-General to submit a report to the General Assembly, through the Economic and Social Council, taking into account the range of views expressed by States at the Council's Event to Discuss the Issue of Transition from Relief to Development held during its 2004 substantive session, and with the participation of United Nations entities including the United Nations Development Group and the Executive Committee on Humanitarian Affairs, with the aim of improving the international community's efforts to better respond to transition situations, in support of the efforts by affected States, bearing in mind the uniqueness of each transition situation;

45. *Welcomes* the collaborative effort of the United Nations and the World Bank on the development and implementation of post-emergency programming tools and needs assessment including full participation by affected States and underlines the need for further work to enhance coordination;

46. *Encourages* States to support, inter alia, through the allocation of funds, the development and implementation of the 4Rs ("repatriation, reintegration, rehabilitation and reconstruction"), and of other programming tools to facilitate the transition from relief to development;

47. *Requests* the Secretary-General to reflect the progress made in the implementation of and follow-up to the present resolution and to Economic and Social Council resolutions 2002/32 and 2003/5 in his next report to the Council and the General Assembly on the coordination of emergency humanitarian assistance of the United Nations.